REMARKS

Claims 1-20 are currently pending. Claims 1-20 are rejected. Claims 1, 9, 13 and 19 are objected to. Claims 1, 9, 13, and 19 have been amended.

Claim Objections

Claims 1, 9, 13, and 19 are objected to because of informalities. Applicant would like to thank the Examiner for pointing out the informalities in the claims. Applicant has amended claims 1, 9, 13, and 19 to fix the informalities indicated by the examiner. No new matter has been added.

Claim Rejections under 35 USC § 103

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rukavina et al., U.S. Patent Application Publication Number US. 2002/0188583 (Hereinafter "Rukavina"), in view of Carroll, U.S. Patent No. 6,762,777 (Hereinafter "Carroll"). Applicant respectfully traverses this rejection on the basis of the following remarks.

Summary of Rukavina (U.S. Patent Application Publication Number US. 2002/0188583)

The Rukavina reference is directed to an e-learning tool that uses an object-oriented approach to permit easily-developed course content to be quickly produced in customized form for a plurality of users. An authoring tool uses a template-based system to create courses in the form of individualized learning objects, each learning object containing a learning objective, content, and an assessment item. Various graphics, audio and text are also embodied in object form, associated with the proper learning object(s), and stored within a database. A dynamic delivery tool accesses the objects for a particular course upon request by a student, and virtually instantaneously creates a course customized for that student based upon a profile of the student stored within a learning management system. In this way, course administrators and developers can update or otherwise manipulate the course simply by modifying the individual objects, and the student views only those objects that he or she desires or is capable of viewing. Thus, courses can be easily created to allow students to learn course content as quickly and conveniently as possible.

Summary of Carroll (U.S. Patent No. 6,762,777)

The Carroll reference is directed to a system and method that processes designating regions in an electronic text to associate with those selected regions freely editable popup windows. In a preferred embodiment, embedded tag delimiters are used to mark out the boundaries of the selected region and the content of the popup window. In an alternative embodiment, keystroke combinations are utilized to associate a selected region in an electronic document with a popup window, and the popup window is then freely editable.

Claims 1, 9, and 13

To establish a *prima facia* case of obviousness, three basic criteria must be met. (1) some suggestion or motivation to modify or combine the reference teachings, (2) a reasonable expectation of success, and (3) the references must teach or suggest all the claim limitations.

The combination Rukavina and Carroll fail to teach or suggest each and every element of claims 1, 9, and 13. Specifically, neither reference, alone or in combination, teaches or suggests "providing a web page with an embedded software facility as part of an online educational course, wherein said software facility enables a user to create a popup message associated with text that is to be displayed to the user; receiving a request for the web page from a user; and transmitting the web page to the user in response to the request"

Applicant respectfully disagrees with the Examiners suggestion that Rukavina teaches or suggest providing a web page as part of an online educational course, receiving a request for the web page form a user, and transmitting a web page in response to the request. Quite to the contrary, Rukavina teaches away from the use of web pages altogether in favor of an object oriented approach to creating, maintaining, and delivering course content. Indeed, a sizable portion of the Description of Related Art section of Rukavina is dedicated to discussing the limitations and failings of web-page based approaches, including using both HTML and XML (See Paragrpahs 007-010), to show why the object oriented approach claimed in Rukavina is superior. As such, Rukavina does not teach or suggest providing a web page as part of an online educational course, receiving a request for the webpage, and transmitting the web page in

response to the request. Rukavina instead teaches away from using a web page based approach in favor of an object oriented approach. The addition of Carrroll does not cure this deficiency.

Applicant respectfully disagrees with the Examiner's suggestion that Carroll teaches "in an electronic device in a distributed network, a method comprising the step of: providing a web page with an embedded software facility..." Nowhere in Carroll is there mention of a distributed network. There is mention of a workstation at which a user processes electronic text but there is no mention of a distributed network. Likewise there is no discussion of a webpage. Carroll focuses on adding pop-up windows to electronic document. The examples focus on a performing the method within a word processing program. There is mention of providing URL's in the pop-up window and using HTML within the electronic document to create delimiter tags in the electronic document but there is no mention that the electronic document is or may be a web page. Applicant continue to maintain that Carroll does not make any mention of an embedded software facility. Carroll discloses inserted tags into a document to link to pop-up windows there is no mention of facility embedded in the document that performs this association. As such Combining Carroll with Rukavina fails to teach or suggest each and every element of claims 1, 9, and 13.

Furthermore, there is no suggestion or motivation to modify or combine Rukavina and Carroll. Applicant respectfully disagrees with the Examiner's suggestion that both Rukavina and Carroll are in the field of web page creation and use. In actuality, neither Rukavina nor Carroll deal with web page creation and use. As discussed above Rukavina explicitly teaches away from the use of web pages and Carroll makes no mention of adding pop-ups to web pages or even networked systems. Furthermore, as discussed in the previous response, there is no indication that Carroll's method of adding would even function with the object oriented approach of Rukavina

Therefore, in view of the above arguments, Applicants respectfully requests the reconsideration and withdrawal of the rejection to claim 1, 9, and 13 under 35 USC § 103.

Claims 2-8, 10-12, and 14-20

Claims 2-8, 10-12, and 14-20 depend either directly or indirectly from independent claims 1, 9, and 13 respectively. As such, they incorporate each and every element of claims 1,

9, and 13 respectively. As discussed above, the combination of Rukavina with Carroll fail to teach or suggest all the claim limitations of claims 1, 9 and 13. Thus the combination of Rukavina and Carroll fail to teach or suggest every element of claims 2-8, 10-12, and 14-20. Also, there is no suggestion or motivation to modify or combine Carroll with Rukavina or even a reasonable expectation of success.

Therefore, in view of the above arguments, Applicants respectfully requests the reconsideration and withdrawal of the rejection to claims 2-8, 10-12, and 14-20 under 35 USC § 103.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SMQ-062 from which the undersigned is authorized to draw.

Dated: **June 29, 2005**   Respectfully submitted,

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